



west virginia department of environmental protection

Environmental Enforcement
HC 63 Box 2545
Romney, WV 26757
Telephone: (304) 822-7266 Fax: (304) 822-3687

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

July 16, 2012

[REDACTED]
Attn: [REDACTED]
[REDACTED]

Petersburg, WV 26847

Certified Return Receipt Requested

Cert #9171999991703087578324

Dear Mr. [REDACTED]:

Enclosed is the report for the compliance inspection conducted at Cottage Hill Farm on May 22, 2012. A copy of this report is being forwarded to the U.S. Environmental Protection Agency, Region III.

Your immediate attention should be given to the deficiencies listed in the report summary. It is mentioned in the report that you need to apply for a CAFO NPDES Permit. Failure to take corrective action to eliminate the deficiencies may result in enforcement action as outlined in Chapter 22, Article 11 of the West Virginia Code.

Within forty-five (45) days of receipt of this letter, please advise the Division of Water and Waste Management of your plans to bring your facility into compliance. The response should be sent to 601 57th Street, Charleston, WV 25304, Attention: Scott G. Mandirola, Director. A copy of your response should also be sent to this office.

If you have any questions, please contact me at (304) 822-7266.

Sincerely,

Robin C. Dolly
Environmental Inspector Supervisor

Enclosure

cc: DWWM Water Permits
Regional Office
Compliance Monitoring
US EPA, Region III (via Waterscape)

EPA Water Compliance Inspection Report

Section A: National Data System Coding (ie PCS)

Transaction N	Code 5	NPDES No Permit	mm/dd/yyyy 05/22/2012	Inspection Type I	Inspector S	Facility Type 3
Remarks:						
Inspection Work Days		Facility Self-Monitoring Evaluation Rating		BI	QA	Reserved
.50		3		N	N	

Section B: Facility Data

Name and Location of Facility Inspected:	<u>Cottage Hill Farm</u> <div style="background-color: black; width: 100px; height: 15px; margin: 2px 0;"></div> <u>Petersburg, WV 26847</u> <u>Grant County, WV</u>	Entry Time: <u>8:55 a.m.</u>	Permit Effective Date: <u>N/A</u>
Name(s) of On-Site Representatives(s) Titles/Phone and Fax Numbers:	<div style="background-color: black; width: 100px; height: 30px; margin: 2px 0;"></div>	Exit Time/Date: <u>11:49 a.m. / 05/22/2012</u>	Permit Expiration Date: <u>N/A</u>
Name, Address of Responsible Official/Title/Phone/Fax:	<div style="background-color: black; width: 100px; height: 30px; margin: 2px 0;"></div>	Contacted: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Other Facility Data: <u>N/A</u>

Section C: Areas Evaluated During Inspection

M - Marginal; N - No; N/A - Not Applicable; N/E - Not Evaluated; S - Satisfactory; U - Unsatisfactory; Y - Yes

U	Permit	N/A	Flow Measurement	N/A	Sampling	S	Operations & Maintenance
N/A	Records/Reports	N/A	Laboratory	N/A	Compliance Schedule	N/A	Sludge Disposal
S	Fac Site Review	S	Eff / Rec. Waters	N/A	Self-Monitoring	S	Pollution Prevention
N/A	Pretreatment	S	Stormwater	N/A	CSO/SSO	N/A	Multimedia
N/A	Groundwater Data	N/A	Unpermitted Bypass				

Section D: Summary of Findings / Comments:

Based on the number of animals in confinement at the facility and being constructed so that a discharge to waters of the State will occur through a man-made conveyance, the facility meets the definition of a Large CAFO. An application for a CAFO NPDES Permit needs to be submitted.

Compliance Assistance (check all that apply): Troubleshooting ☐ Records/Reports ☐ Sampling ☐

Name/Signature(s) of Inspectors(s) <div style="font-family: cursive; font-size: 1.2em; margin: 10px 0;">Anthony J. Willard</div> Anthony J. Willard	Agency/Office/Telephone/Fax WVDEP-Environmental Enforcement HC 63 Box 2545 Romney, WV 26757 (304) 822-7266 ph (304) 822-3687 fax	Date: 6/28/2012
Signature of Management QA Reviewer <div style="font-family: cursive; font-size: 1.2em; margin: 10px 0;">Robin C. Dolly</div> Robin C. Dolly	Agency/Office/Phone/Fax WVDEP-Environmental Enforcement HC 63 Box 2545 Romney, WV 26757 (304) 822-7266 ph (304) 822-3687 fax	Date: <div style="font-family: cursive; font-size: 1.2em; margin: 10px 0;">6-28-12</div>

Revised for NE: 02/2012 jmn

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
WV/NPDES CONCENTRATED ANIMAL FEEDING OPERATION PERMIT
INSPECTION REPORT FORM**

Inspectors Name: Anthony J. Willard	Date Inspected: May 22, 2012
Time of Entry: 8:55 a.m.	Time of Departure: 11:49 a.m.

I. Facility Information

Facility Name: Cottage Hill Farm	
Address: [REDACTED]	
County: Grant	Phone Number: [REDACTED]
GPS Coordinates	Onsite Representatives: [REDACTED]
Latitude: [REDACTED]	Responsible Officials: [REDACTED]
Longitude: [REDACTED]	Permit #: N/A
Closest Receiving Stream: Unnamed Tributary to Hoglan Run	Distance from facility: Approximately 10 yards
Is there a discharge from the AFO production area to waters of the State? (Yes) or No	

Comments/Observations:

- **A list of individuals present during the inspection is included in the Additional Comments/Observations portion of this report.**
- **Mr. [REDACTED] and [REDACTED] own the chicken houses inspected. The land which they sit on is owned by [REDACTED]**
- **There are a total of six chicken houses which can hold approximately 186,000 broilers. There are two separate contracts. Four of the houses belong to [REDACTED] and two belong to [REDACTED]. [REDACTED] contract is under the name Cottage Hill Farm and [REDACTED] contract is under the name [REDACTED]. The entire operation is under the name Cottage Hill Farm.**
- **There were broilers in the houses during the inspection. Broilers were placed approximately five weeks prior to the inspection date.**
- **House dimensions and date of construction were as follows:**
 - **House #1 was built in 1992 and has dimensions of 504' x 42'**
 - **House #2 was built in 1992 and has dimensions of 504' x 42'**
 - **House #3 was built in 1992 and has dimensions of 504' x 42'**
 - **House #4 was built in 1992 and has dimensions of 504' x 42'**
 - **House #5 was built in 1994 and has dimensions of 504' x 42'**
 - **House #6 was built in 1994 and has dimensions of 504' x 42'**

II. General Operating Information

Animals	Numbers	Animal Units
Mature Dairy Cows		
Dairy Heifers		
Veal Calves	40	40
Cattle (not dairy or veal)	40	40
Swine (> 55 lbs.)		
Swine (< 55 lbs.)		
Horses		
Sheep / Lambs		
Turkeys		
Chickens (Broilers)	186,000	186,000
Chickens (Layers)		
Ducks		
Other		

Number of days animals are stabled/confined over a 12 month period. (Circle)

45 Days or More

45 Days or Less

Amount of manure, litter, and process wastewater are being generated annually by the operation?

1,200 (Tons or Gallons (Circle))

Acres under the control of the operator which is available for applying the CAFO operation's manure, litter and/or process wastewater.

750 Acres

Tons of manure or litter, or gallons of process wastewater produced by the CAFO operation that will be transferred annually to other persons.

600 (Tons or Gallons (Circle))

Item	Required		Present	
	Yes	No	Yes	No
Permit on site?	Unpermitted Facility			
On-site rainfall records maintained?	N/A			
Animal inventory?				
Waste disposal records maintained?				
Records maintained for required period?				
Operation(s) log maintained?				
Maintenance inspections?				
Maintenance logs?				
Nutrient Management Plan implemented?				

Comments/Observations: See Additional Comments/Observations

III. Record Keeping

	Yes	No
Has the facility had a discharge(s) since the last inspection?	N/A	
Discharge(s) reported?	N/A	
Cause of discharge reported?	N/A	
Date, time, duration, and volume of waste discharged reported?	N/A	
Discharge sampled?	N/A	
Records of sampling, person collecting samples, person(s) conducting analysis, analytical methods, and results?	N/A	
Is type of containment in suitable condition and same as the containment listed on the permit?	N/A	
Is the required storage volume managed to contain rainfall events?	N/A	
Adequate land area available for disposal?	x	
Best Management Practices utilized?	N/A	
Manure disposed of on-site?	x	
If yes, records maintained as to date, location, application rate and nutrient content?	x	
If yes, how disposed? Litter is both land applied as well as sold to local farmers.		
If no, how and where disposed? See above		
If no, records maintained as to whom and when manure was given away or sold?	x	
Based on the questions in section III, is the Nutrient Management Plan being implemented?	N/A	

Comments/Observations:

- At the time of the inspection the facility did not have a NPDES CAFO permit, nor had they submitted an application. Therefore, a majority of the questions in this section are not applicable.
- Litter is stored in a litter shed to the south of poultry Houses 5 and 6.
- The litter shed was built in 1993 and has dimensions of approximately 80' x 42'. The construction of the litter shed was not coast shared with the NRCS.
- There is a seven bin composter with dimensions of 56' x 8' at the facility.
- Composting of mortalities is done by placing the deceased chickens in the compost bins and covering them with litter.
- Wood shavings are used inside the houses as a form of bedding material. A total clean out of the litter is performed after each flock rotation is removed.

Additional Comments/Observations:

- **Inspection attendees and their respective agencies:**
 - Anthony Willard – West Virginia Department of Environmental Protection
 - Mark Zolandz – United States Environmental Protection Agency
 - [REDACTED] – Science Applications International Corporation
 - Mark Hedrick – West Virginia Department of Agriculture
 - John Halterman – West Virginia Department of Agriculture
 - [REDACTED] – Cottage Hill Farm
 - [REDACTED] – Cottage Hill Farm
 - [REDACTED] – Cottage Hill Farm
 - [REDACTED] – Cottage Hill Farm
- The weather during the inspection was cloudy with temperatures in the low 70's.
- The [REDACTED] own and rent approximately 850 acres where the poultry houses are located.
- The [REDACTED] grow for [REDACTED] and have done so since 1992. There are typically 6.5 flock rotations a year. Each rotation is housed for approximately 5 weeks (35 days) with 10 to 20 days between flocks. All houses are equipped with side-wall ventilation systems.
- Along with the chickens at their poultry facility, the [REDACTED] have approximately 80 head of cattle which they use to run their beef cattle operation. Because these animals are kept in a confined feeding operation greater than 45 days, they are included in the total number of animals confined in Section II of this report.
- Stormwater flow from the south half of all houses, litter shed, and compost shed flowed to the south. Stormwater runoff in this direction all flowed into a hay field and did not have a direct conveyance to waters of the state. Stormwater flow from the north half of all houses flowed to the north. Stormwater runoff in this direction all flowed into an unnamed tributary to Hoglan Run. There were culverts conveying runoff from the poultry facility, north, directly to the unnamed tributary (See photos 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 25, and 26). It is at these points where the facility discharges into waters of the State.
- There is one generator used to provide power to the six houses. The generator is located between houses 2 and 3.
- The [REDACTED] have an up to date Nutrient Management plan which they operate under. The NMP was written by Mark Hedrick and Jason Dalrymple of the West Virginia Department of Agriculture.
- There were three water samples taken at the conclusion of the inspection. One sample was taken below the facility discharge point by House 5, one sample was taken from the discharge point of Houses 1, 2, and 3, and one was taken at the discharge point of House 4.
- Photographs, facility maps, and lab results are attached to the end of this document.

STATE OF WEST VIRGINIA
Department of Environmental Protection
Environmental Enforcement

NOTICE OF VIOLATION

Violation No. NE-12-12 -016 -201

To the Operator or Agent of:

Facility Name: Cottage Hill Farm Permit No. N/A

Permittee or Individual [REDACTED]

Located at or near Petersburg in Grant County

Representative [REDACTED] Date 05/22/2012 Time 8:55 a.m.

Address / phone number [REDACTED]

Whereas, an inspection of the above named operation by the undersigned, duly authorized agent of the Secretary, at which the following described condition or practice exists, in violation of Chapter 22, Article 11, Section(s) 8 of the Code of West Virginia and/or Section(s) _____ of the Rules and Regulations and/or Section(s) _____ of the Permit referenced above promulgated thereunder in that you:

Discharged into waters of the State without a permit

The following corrective measures were discussed with you at the time of this inspection:

Submit a completed application for a CAFO NPDES permit.

Within 45 days provide a written response to the inspector named below, at the address indicated, detailing the actions taken to abate this violation.

Received by:

Sent by Certified Mail

Signature

Title

Anthony J. Willard

Anthony J. Willard

Duly Authorized Agent / Inspector

304-822-7266

Telephone

anthony.j.willard@wv.gov

E-mail

Send Response to the Inspector at the address indicated below:

WV Department of Environmental Protection
Environmental Enforcement / WW
HC63 Bx 2545, Romney, WV 26757

Co Route 28/2

Cottage Hill Farm

Compost Shed

Litter Shed

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Image USDA Farm Service Agency

Google

STATE OF WEST VIRGINIA
Department of Environmental Protection
Environmental Enforcement
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Sent by Certified Mail

Signature

Title

Anthony J. Willard

Anthony J. Willard

Duly Authorized Agent / Inspector

304-822-7266

Telephone

anthony.j.willard@wv.gov

E-mail

Send Response to the Inspector at the address indicated below:

WV Department of Environmental Protection
Environmental Enforcement / WW
HC63 Bx 2545, Romney, WV 26757

Photo Log
Cottage Hill Farm
 Photographs were taken on May 22, 2012 by Anthony Willard.

Photo Reference	Photo Filename	Description
Photo 1	DSCN1255	South end of Litter Shed
Photo 2	DSCN1256	South end of House 6
Photo 3	DSCN1257	South end of House 5
Photo 4	DSCN1258	East side of House 5
Photo 5	DSCN1259	Culvert leading to hay field behind Litter Shed
Photo 6	DSCN1260	Accidental photo
Photo 7	DSCN1261	Heating unit on east side of House 6
Photo 8	DSCN1262	Culvert pipe at north end of House 6
Photo 9	DSCN1263	Culvert pipe at north end of House 5
Photo 10	DSCN1264	Unnamed tributary to north end of Houses
Photo 11	DSCN1265	Unnamed tributary to north of Houses continuing west
Photo 12	DSCN1266	North end of House 1
Photo 13	DSCN1267	North end of House 2
Photo 14	DSCN1268	Eroded area where culvert pipe is located to north of Houses 1 and 2
Photo 15	DSCN1269	Houses 1 and 2 culvert pipe
Photo 16	DSCN1270	Houses 2 and 3 culvert pipe
Photo 17	DSCN1271	Area where culvert pipe from Houses 2 and 3 discharges
Photo 18	DSCN1272	Ditch line between Houses 2 and 3
Photo 19	DSCN1273	Accidental photo
Photo 20	DSCN1274	Houses 3 and 4 culvert pipe
Photo 21	DSCN1275	Area where culvert pipe from Houses 3 and 4 discharges
Photo 22	DSCN1276	North end of House 3
Photo 23	DSCN1277	North end of House 4
Photo 24	DSCN1278	Accidental photo
Photo 25	DSCN1279	Drainage to north end of House 4
Photo 26	DSCN1280	Unnamed tributary above poultry facility flowing to House 4 discharge
Photo 27	DSCN1281	West side of House 4
Photo 28	DSCN1282	North end of Compost Shed
Photo 29	DSCN1283	South end of Compost Shed
Photo 30	DSCN1284	Entrance Sign



Photo 1

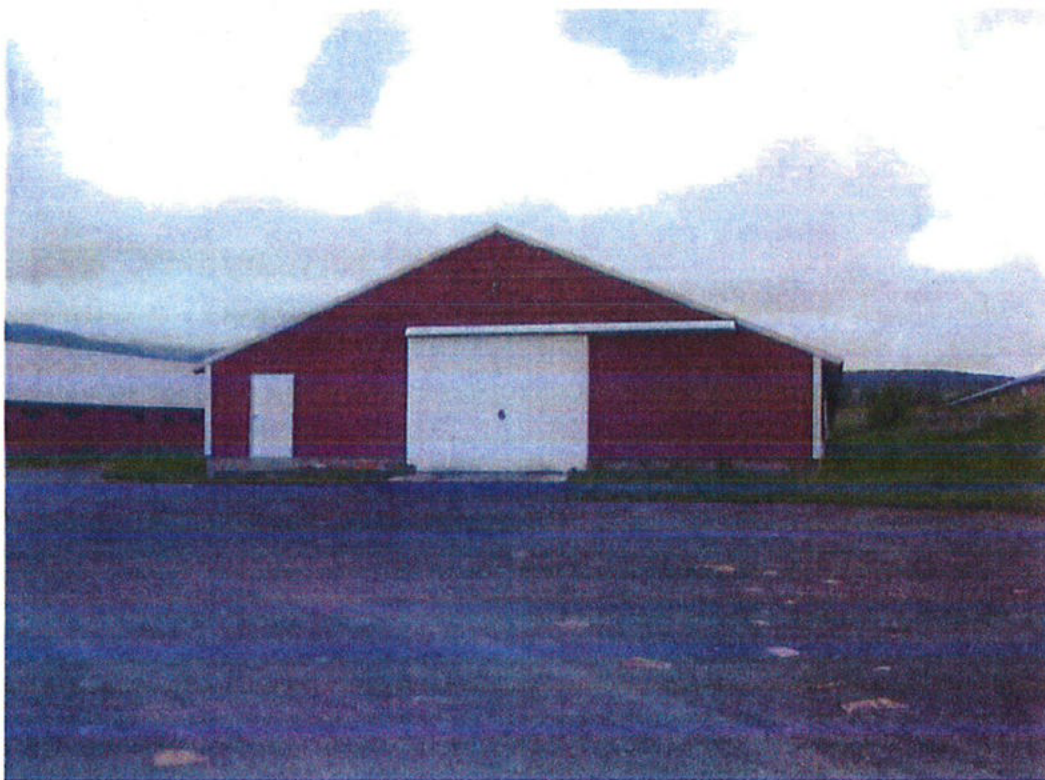


Photo 2

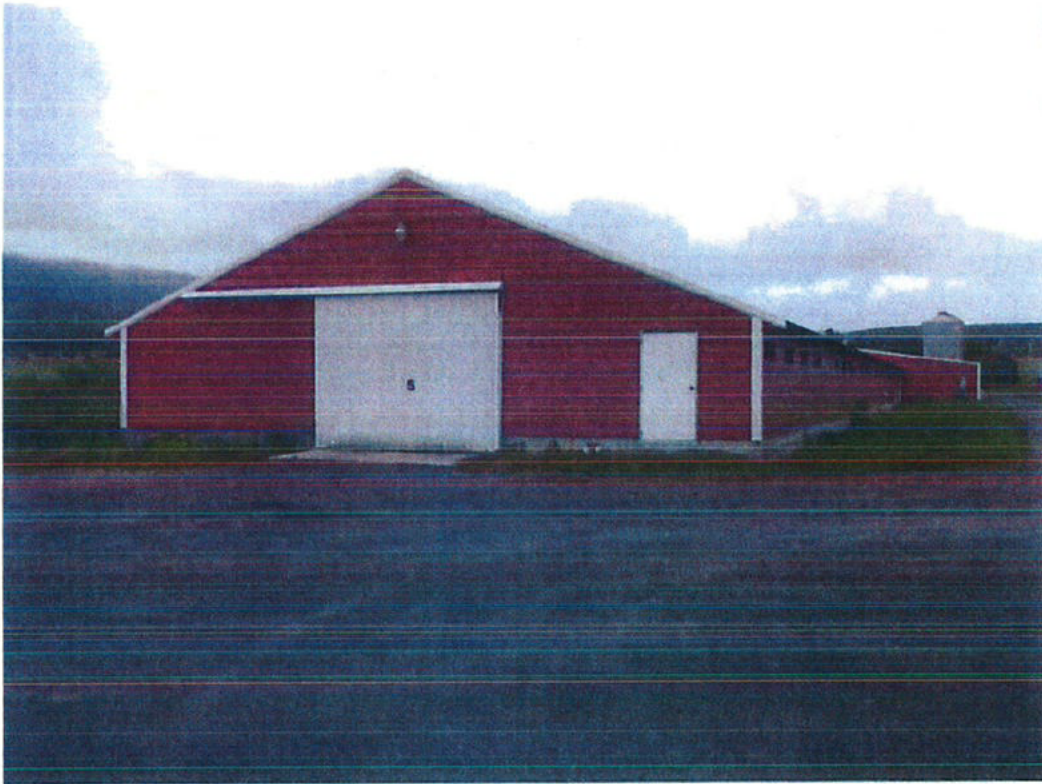


Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

Photo 10



Photo 9





Photo 11

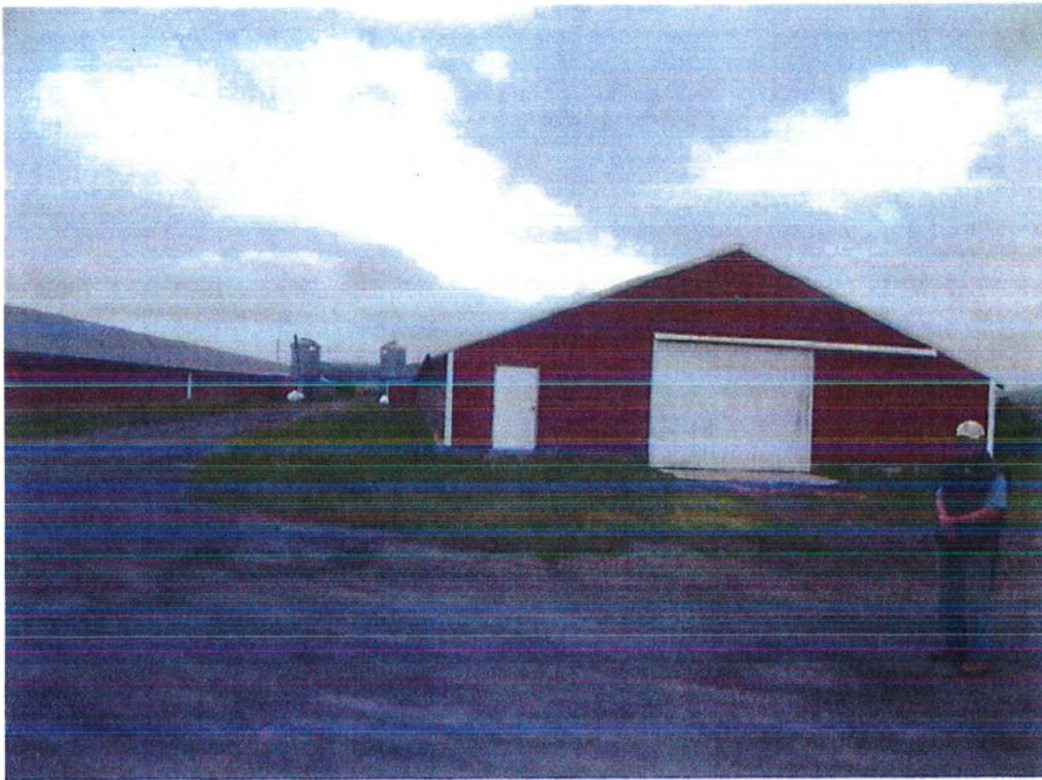


Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21

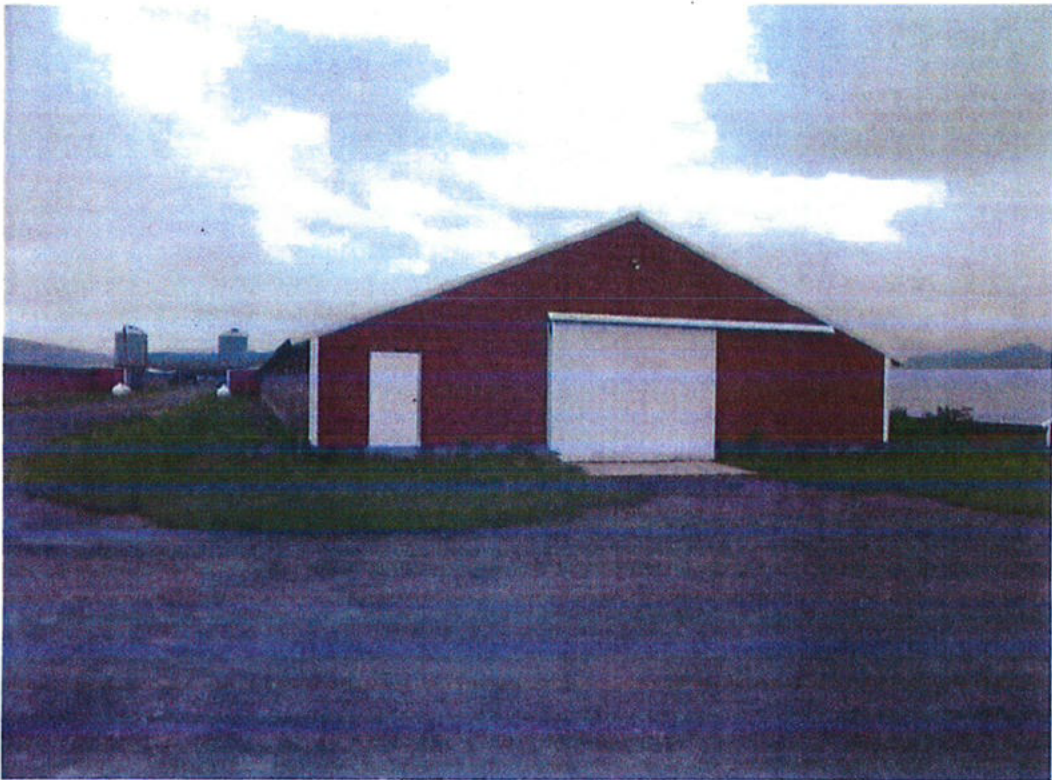


Photo 22

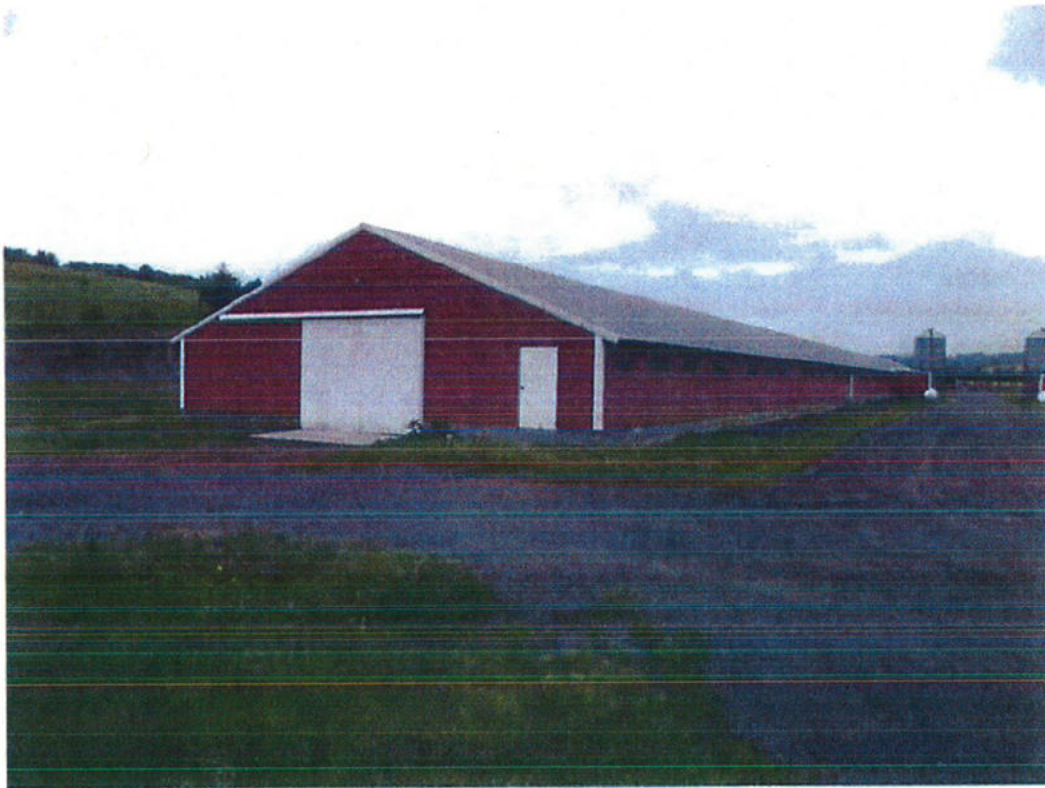


Photo 23



Photo 24



Photo 25



Photo 26



Photo 27

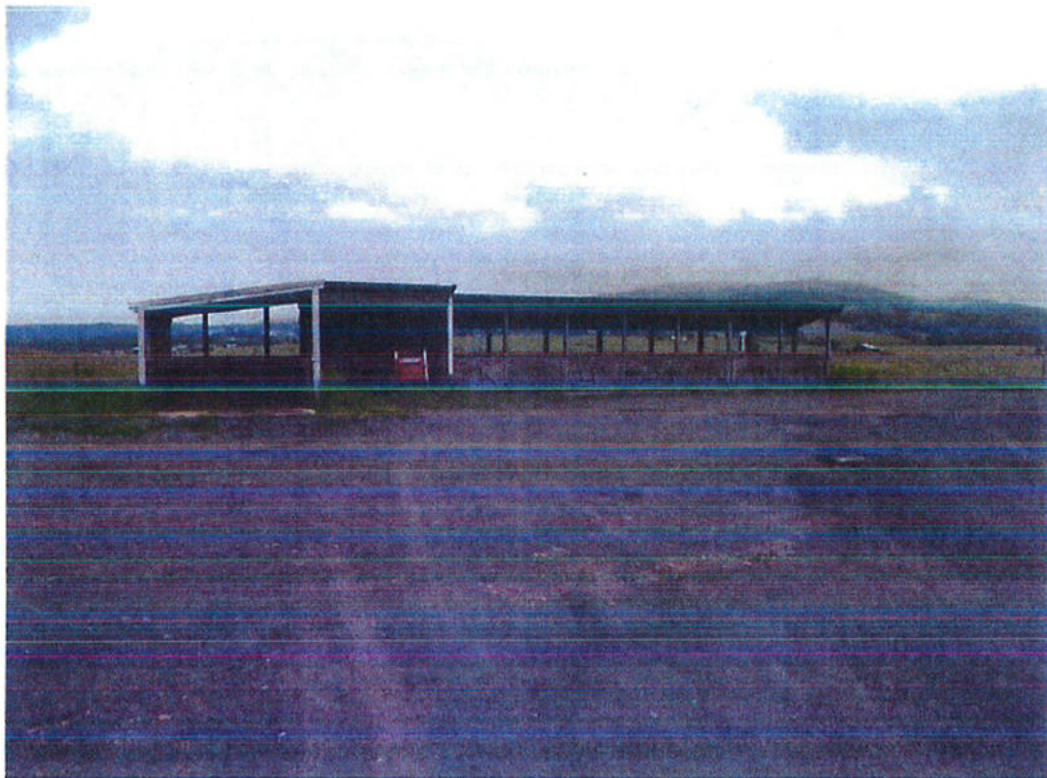


Photo 28



Photo 29



Photo 30

